

City Council Meeting Minutes

**December 5, 2017
City Hall, Council Chambers
749 Main Street**

**Special Meeting
3:30 PM**

Call to Order – Mayor Muckle called the meeting to order at 3:30 p.m.

Roll Call was taken and the following members were present:

City Council: ***Mayor Robert Muckle
Mayor Pro Tem Jeff Lipton
Councilmember Jay Keany
Councilmember Chris Leh
Councilmember Susan Loo
Councilmember Dennis Maloney
Councilmember Ashley Stolzmann***

Staff Present: ***Kathleen Hix, Director of Human Resources
Meredyth Muth, City Clerk***

Others Present: ***Sam Light, City Attorney
Catherine Tuck Parrish, Novak Consulting***

EXECUTIVE SESSION

CITY MANAGER RECRUITMENT/PERSONNEL MATTER – (Louisville Charter, Section 5-2(a) and 5-2(b) – Authorized Topics – Discussion of non-finalist application matters, and personnel matters for informational purposes only (C.R.S. 24-6-402(4)(f & g))

City Attorney Light introduced the request for executive session.

Clerk Muth read Section 2.90.050 of the Louisville Municipal Code, which outlines the topics permitted for discussion in an executive session.

City Attorney Light noted subsections 5a and 5b of the Home Rule Charter as well as C.R.S 24.6.402(4)(f&g) authorize and executive session for the purposes of

consideration of documents protected by the mandatory nondisclosure provisions of the Colorado Open Records Act which in this case are records submitted by nonfinalist applicants for the position of City Manager and for discussion of personnel matters for informational purposes only.

Regarding the nondisclosure provisions, he stated by prior action the Council has identified candidates for interviews but have not yet identified the finalists for the position. The state open records laws require the finalists be announced at least 14 days before actually appointing or employing someone to serve as City Manager. That step has not been taken although there are candidates identified for interviews. It is still permissible under the open meetings law to convene in executive session to review application materials to the extent they are required to be kept confidential by law until there is a finalist. The City did post resumes for the candidates on the City's web site with the candidates consent, but further application materials remain confidential.

City Attorney Light stated that during the executive session he and the Council will review the parameters and rules pertaining to the scope of this executive session.

In this instance, the Mayor is requesting City Council convene an executive session for the purpose of consideration of documents protected by the mandatory nondisclosure provisions of the Colorado Open Records Act, and for discussion of a personnel matter for informational purposes only.

Mayor Muckle moved to go into executive session for the purpose of consideration of documents protected by the mandatory nondisclosure provisions of the Colorado Open Records Act, which in this case are records submitted by non-finalist applicants for the City Manager position, and for discussion of a personnel matter for informational purposes only, and that the executive session include the City Attorney, Human Resources Director, Consultant Catherine Tuck Parrish, and the City Council.

Mayor Pro Tem Lipton seconded the motion.

Councilmember Leh asked if it is advisable to take a recess to be able to review all of the materials that were given to the Council today. He made a friendly amendment for a bit of time to review the documentation. Mayor Muckle amended the motion to begin the executive session at 3:55 pm. Voice vote all in favor.

Members took a break to review materials at 3:39 pm. Members went into executive session at 4:00 pm.

The City Council special meeting reconvened at 5:38 pm.

REPORT FROM EXECUTIVE SESSION

DISCUSSION/DIRECTION/ACTION –CITY MANAGER RECRUITMENT

Attorney Light reported the purpose of the executive session was for the consideration of documents protected by the mandatory nondisclosure provisions of the Colorado Open Records Act, and for discussion of a personnel matter for informational purposes only. In executive session, Council shared information about today's interviews, and received additional information from the recruiter and staff. At this point in time there is the need for additional discussion about how to move forward in the recruitment process.

Mayor Muckle stated the Council has interviewed five candidates and now we have the opportunity to decide who we want to interview tomorrow. He asked for comments about the candidates who are referred to by letter as candidates O, L, G, I, T.

Councilmember Loo would like to drop candidate O from the process as this experience is not a good fit for our community. Councilmember Leh agreed.

Councilmember Maloney moved to bring candidates L, G, and I forward in the process. Councilmember Loo seconded. Mayor Muckle stated he could support that motion.

Councilmember Stolzmann stated she supports the motion; they have good expertise in budgeting and strategic vision for the community.

Voice vote: all in favor.

Mayor Muckle asked that if members have a preferred candidate tomorrow, are they comfortable having Mayor Muckle and Mayor Pro Tem Lipton negotiate a contract with that person. Councilmember Stolzmann asked how members can give input on the contract. Mayor Muckle stated members can contact City Attorney Light, Mayor Muckle, or Mayor Pro Tem Lipton.

Councilmember Leh stated he would like the contract to include incentive compensation. He would like to see some objective metrics a manager needs to meet to get the bonus. He would like that considered for the new contract. This would be a potential sweetener over and above salary.

Councilmember Loo stated we do some of that with a performance bonus. She is concerned this is not a standard public sector incentive as we are not a for profit entity. She questioned how much time we want to spend on this and, if we do it, she stated it should be high enough (\$25,000) so that it is worth the time and effort. She stated public sector people don't seem to be of this personality type. Director Hix noted that in general for City Managers these incentives are usually in the \$2,000 - \$5,000.

Mayor Muckle noted in the private sector this is usually done when the manager has complete control over whether the metrics are achievable or not.

Councilmember Leh stated it may not be worth spending time on this now, but we may want to reserve the possibility for a future cycle.

Members reviewed the process for interviews tomorrow (12/6). The recruiter will confirm the candidates are coming tomorrow and will let those who are not invited know. City Attorney Light noted there is a special meeting convening at 8:30 am but Council has the legal right to amend that schedule and rearrange it somewhat.

Attorney Light asked if council desires the proceedings be recorded. Councilmember Leh moved to record the audio; Councilmember Keany seconded. All in favor.

Councilmember Maloney asked what time will be available for the public comment. Mayor Muckle suggested that after the interviews everyone will have a chance for public comments. It will be the standard process of three minutes per speaker or anyone can also submit cards with comments. All agreed to this process.

Mayor Pro Tem Lipton asked if the meeting could start later. Attorney Light stated the meeting is noticed to start at 8:30 am. It could start later, but that may frustrate the public who come to attend. Members decided to maintain the start time at 8:30 am.

ADJOURN

Members adjourned the meeting at 6:04 pm.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk